

**SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT**

296619

DATE OF REPORT (DAY-MO.-YEAR)

30 Jul 2004

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION

☐ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
☒ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATOR'S NAME Nelson I. Perez		RANK Sgt.	STAR NO. 1101	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 010
ADDRESS OF INCIDENT 2200 So. California		DATE OF INCIDENT - TIME 27 Dec 2003 1932 hours		BEAT OF INCIDENT 1023	LOCATION CODE* 303	

ACCUSED	NAME 1. Cunningham, Aaron		RANK P.O.	STAR NO. 15522	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 010
	2. Hernandez, Al		P.O.	15785	[REDACTED]	[REDACTED]	010
	SEX/RACE 1. M/2	D.O.B. [REDACTED] 1967	DATE OF APPOINTMENT 29 June 1998		DUTY STATUS (TIME OF INCIDENT) <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN
	2. M/4	[REDACTED] 1970	17 Mar 1997		<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN
IF APPLICABLE - DATE ARRESTED / INDICTED 1.		CHARGES			COURT BRANCH	DISPOSITION & DATE	
2.							

COMPLAINANTS	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE M/4	D.O.B./AGE [REDACTED] 83	PHYS. COND. CODE+ 01
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

VICTIMS	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE+

WITNESSES	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE M/4	D.O.B./AGE [REDACTED] 1970	PHYS. COND. CODE+ 01
	Hernandez, Al	2259 So. Damen Chicago, IL 60608		[REDACTED]			

☒ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS

The complainant alleges that two male (Hispanic and white) casually dressed officers, one with a last name of "Cunningham #15522" assigned to Unit 012 who had their weapons drawn stopped him for a traffic violation. The complainant alleges that the officers failed to inventory or return his cellular phone to him.

I.A.D. LOCATION CODES*

01 Food Sales/Restaurant	11 Public Transportation Veh./Facility
02 Tavern/Liquor Store	12 Park District Property
03 Other Business Establishment	13 Airport
04 Police Building	14 Public Property Other
05 Lockup Facility	15 Other Private Premise
06 Police Maintenance Facility	16 Expressway/ Interstate System
07 CPD Automotive Pound Facility	17 Public Way - Other
08 Other Police Property	18 Waterway, Incl. Park District
09 Police Communications System	19 Private Residence
10 Court Room	

I.A.D. PHYSICAL CONDITION CODES+

01 No Visible Injury - Apparently Normal
02 No Visible Injury - Under Influence
03 Injured, Not Hospitalized
04 Injured, Not Hospitalized - Under Influence
05 Injured, Hospitalized
06 Injured, Hospitalized - Under Influence
07 Injured, Refused Medical Aid
08 Injured, Refused Medical Aid - Under Influence
09 Deceased
10 Deceased - Under Influence

** IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

CPD-44.112A (1/84)

COMPUTER GENERATED FORM

C.R. NO.

294984

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

R/Sgt. was assigned this to investigate this complaint. The accused officer, Aaron Cunningham, was identified through the officer's star number which was reflected on the complaint against department member report (att#1) R/Sgt. then reviewed the daily assignment log for 27 Dec 2003 (att#2) and discovered that officers Cunningham #15522 and Hernandez #15785 were assigned to work in uniform as beat 1012. As a result, an event history of beat 1012 was conducted, with no results.

R/Sgt. then queried the CLEAR E-Trak inventory system (att#3) to determine if Officers Cunningham or Hernandez inventoried anything on the date in question and discovered that nothing was inventoried on that date. The complaint against department officer stated that a traffic stop was conducted at 34 W. 26th street at 1932 hours. On 29 Jul 04 at 2110 hours, R/Sgt. served P.O. Cunningham with the proper legal documents (att#4,5,6,7), to which P.O. Cunningham reviewed and signed.

The accused officer submitted a detailed report (att#8) in which the officer explained the nature of the traffic stop and denies allegations. On 29 Jul 2004 at 2110 hours, R/Sgt. served P.O. Hernandez with the proper legal documents (att#9,10,11,12), to which he reviewed and signed. A detailed witness report (att#13) was also submitted by P.O. Al Hernandez, who was present with the accused. In this report, P.O. Hernandez #15785 states that he wrote complainant traffic citations and denies all allegations. R/Sgt. submitted a detailed report (att#14,15) illustrating the attempts made to contact complainant.

On 18 Mar 2004, R/Sgt. attempted to contact complainant at the number provided in the complaint and spoke with a female subject who identified [REDACTED] related that [REDACTED] was not home at that time. R/Sgt. left a message with [REDACTED] to have complainant contact R/Sgt. at the 010th district station, between the hours of 1600-2400 hours.

SUMMARY

ATTACH-
MENTS

INVESTIGATIVE REPORTS-
SUPPORTING ALLEGATION
LIST ATTACHMENT NUMBERS:

0

INVESTIGATIVE REPORTS-
SUPPORTING ACCUSED MEMBER(S)
LIST ATTACHMENT NUMBERS:

#3

PHYSICAL EVIDENCE
LIST ATTACHMENT NUMBERS:

0

TOTAL NUMBER OF ATTACHMENTS
SUBMITTED WITH THIS FILE:

22

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation. Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for days (not to exceed 5 days).

Findings: On the allegation of failing to inventory or return complainant's cellular phone, R/Sgt. recommends that the allegation be not sustained.

On the allegation of approaching complainant with duty weapons drawn. Not Sustained

Recommendations: Not Sustained on both Officers A. Cunningham #15522, A. Hernandez #15785

FINDINGS-RECOMMENDATIONS

JAN 28 2005

DATE INITIATED
(DATE COMPLAINT WAS
RECEIVED FOR INVESTIGATION) 04 Apr 2004

DATE COMPLETED
(DATE OF THIS
REPORT) 23 July 2004

ELAPSED TIME
(TOTAL TIME
EXPRESSED IN DAYS) 115

Investigator will initiate the Command Channel Review form
by completing the Investigator's Section.

On 10 June 2004, R/Sgt. attempted to contact complainant at the number provided and spoke with a female subject who identified herself as [REDACTED]

[REDACTED] R/Sgt. left a message with [REDACTED] to have complainant call R/Sgt. at the 010th district between the hours of 1600-2400.

On 23 June 2004, R/Sgt. sent a registered letter under control number [REDACTED] (att# 16,17,18) to address provided by complainant. To date R/Sgt. has not received any correspondence or phone calls from complainant.

Based on the fact that R/Sgt. made several attempts both telephonically and through the postal system to contact complainant. The complainants reluctance to contact investigator. There is no clear evidence or facts to prove the allegation. R/Sgt. concludes that the allegation brought against officer Aaron Cunningham can not be sustained.

Complaint Register Number 296619
Evidence List

Attachment List

Attachment Number

Complaint against Department Member	1
3 rd Watch Assignment sheet for Saturday 27 Dec 2003	2
Data Warehouse Inventory Query 27 Dec 2003 Star #15522	3
Legal Documentation for A. Cunningham #15522	4,5,6
Legal Documentation for A. Hernandez #15785	7,8,9
Notification RE: C.R. Investigation P.O. A. Cunningham #15522	10
Notification RE: C.R. Investigation P.O. A. Hernandez #15785	11
To/From Subject Report from P.O. A. Cunningham #15522	12
To/From Subject Report from P.O. A. Hernandez #15785	13
To/From Subject Report from Sgt. Nelson I. Perez #1101	14
To/From Subject Report from Sgt. Nelson I. Perez #1101	15
Copy of Registered Letter sent to Complainant	16,17,18
Request for Extension	19

Complaint Register
Number 296619
Evidence List